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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,558	12/31/2001	Haim Guata	GUATA=I	8704

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WASHINGTON, DC 20001-5303

EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/019,558	Applicant(s) GUATA, HAIM	
	Examiner Thierry L. Pham	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 7/18/07.
- Claims 1-6 & 8-15 are currently pending; claim 7 had been canceled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Piasecki et al (US 5117453), and Jarvinen et al (US 6170073), and further in view of Ovadia (US 5440564).

Regarding claim 1, Piasecki discloses a digital telecommunication station operative in a telecommunication network (communication network, col. 2, lines 20 to col. 3, lines 36) and comprising:

- at least one detector to receive at least two different types (different types of signals, col. 2, lines 20-63, fig. 1) of signals;
- at least one switch controlled by one of said at least one detector (detector, col. 7, lines 1-68, fig. 2a), operative to channel signals received in accordance with the distinction made by said at least one detector;

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- a first transmission means (col. 7, lines 1-56, fig. 2a) operative to transmit received signals along a first transmission path, and to divert signals of at least one other type selected from among said at least two different types of signals; and
- a second transmission means operative to transmit the diverted signals along a second transmission path (col. 7, lines 1-56).

However, Piasecki fails to explicitly teach and/or suggest an association of each signal with a different class of quality of service.

Jarvinen, in the same field of endeavor for telecommunication devices, teaches a well-known example an association of each signal with a different class of quality of service (telecommunication device that includes a detector for detecting different types of signals and to classify signals into different classes based upon signals quality of services, fig. 7, col. 2, lines 57-65 and col. 3, lines 10-30, fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify telecommunication device of Piasecki to include a detector for detecting different types of signals and to classify signals into different classes based upon signals quality of services as taught by Jarvinen because it reduces the number of lost signals and reduces the need for bad signals substitution (col. 3, lines 30-35 of Jarvinen) and the number of undetected bad signals is reduced and thus signals having potential to cause degradation in the reconstructed signals are detectable and inhibited from being used for such reconstruction (col. 3, lines 31-47 of Jarvinen).

However, the combination of Piasecki and Jarvinen fail to teach and/or suggest a network communication device comprising a plurality of communication paths (e.g. first and second path) and to divert signals based upon its signal quality.

Ovadia, in the same field of endeavor, teaches a well-known example of a telecommunication device having plurality of transmission paths (transmission path 22 & 14, fig. 1) and to divert (divert signals using multiplexer 10, fig. 1) signals to an appropriate transmission path (col. 1, lines 60-67 and col. 9, lines 1-25). Doing so is to provide an improved data multiplexer capable from among of a plurality of band communication rates dependent upon the quality of the communication channel (col. 1, lines 65 to col. 2, lines 4).

Therefore, it would have been obvious to combine Piasecki and Jarvinen with Ovadia to obtain the invention as specified in claim 1.

Regarding claim 2, Piasecki further teaches a digital telecommunication station according to claim 1, further comprising a storage capable of storing diverted signals of said at least one type (col. 8, lines 18-25).

Regarding claim 3, Piasecki further teaches a digital telecommunication station according to claim 1, further comprising at least two different pairs of compressing/decompressing devices (col. 5, lines 22-40).

Regarding claim 4, Piasecki further teaches a digital telecommunication station according to claim 1, wherein said signals of the at least one type of the diverted are facsimile signals (col. 6, lines 34 to col. 7, lines 68).

Regarding claim 5, Piasecki further teaches a digital telecommunication station according to claim 4, further comprising a device for demodulating/re-modulating said facsimile signals (col. 8, lines 1-62).

Regarding claim 6, Piasecki further teaches a digital telecommunication station according to claim 5, wherein said demodulating/re-modulating device comprises facsimile signal demodulator/re-modulator (col. 8, lines 1-62) and forward error correction apparatus wherein the forward error correction apparatus is operative to protect the output of the facsimile demodulator (col. 8, lines 1-17).

Regarding claims 9-10, Piasecki further teaches telecommunication system (fig. 2a) comprising:

at least one transmitter (fig 2a) at least first end of the transmission network;

at least one receiver (fig 2a) at least a second end of the transmission network; and

at least one digital telecommunication station of claim 1. Also see Jarvinen for telecommunication system (fig. 1).

Regarding claim 11, Piasecki further teaches a telecommunication system according to claim 10, wherein at least one pair of telecommunication stations is selectively (col. 7, lines 1-56, fig. 2a) operated.

Regarding claim 12, Jarvinen further teaches a telecommunication system according to claim 9, wherein said at least one of digital telecommunication station is capable of establishing a communication connection with more than two digital communication stations (fig. 1 and fig. 5).

Regarding claim 13, which recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 13 is rejected for the same rejection rationale/basis as described in claim 1 above.

Regarding claim 14, Piasecki further teaches a method according to claim 13, wherein the diverted signals are stored and transmitted at later stage via said first transmission path (col. 8, lines 10-25).

Regarding claim 15, Piasecki further teaches a method according to claim 14, wherein the diverted signals are stored in a storage means prior to their transmittal along a second transmission path (col. 8, lines 10-25).

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

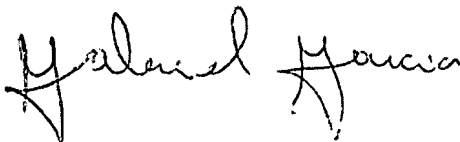
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', is written over a horizontal line.

GABRIEL GARCIA
PRIMARY EXAMINER